

TOWN BOARD SPECIAL MEETING
TOWN HALL, MAHOPAC, N.Y.

A Special Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 22nd day of August 2018 at 7:08 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Barile, Councilman Schneider, Councilman Lupinacci, Councilwoman McDonough and Supervisor Schmitt.

The Pledge of Allegiance to the Flag was observed prior to the start of official business. A moment of silence was held to honor those serving in the United States Armed Forces.

GRAND MEADOW DRIVE AND NOBLE COURT - CONSENT TO THE DEDICATION AS TOWN HIGHWAYS AUTHORIZED

WHEREAS an application to dedicate Grand Meadow Drive and Noble Court in the Baldwin Meadows Subdivision to the Town of Carmel has been filed by MJD Contracting Corp., and

WHEREAS the Town Highway Superintendent and the Town Engineer have recommended that the referenced roads be accepted for dedication,

NOW, THEREFORE, BE IT RESOLVED, in accordance with the provisions of Section 171 of the Highway Law of the State of New York, that the Town Board of the Town of Carmel hereby consents to the dedication of Grand Meadow Drive and Noble Court in the Baldwin Meadows Subdivision and hereby authorizes the Town Highway Superintendent to sign Orders Laying Out said Grand Meadow Drive and Noble Court as Town Highways upon receipt of all remaining documentation required in connection with said dedication have been received within six months in form acceptable to Town Counsel and approved; and

BE IT FURTHER RESOLVED that the Town Board members are hereby authorized to execute a consent of the Town Board in connection with the aforesaid dedication; and

BE IT FURTHER RESOLVED that, upon the recommendation of the Highway Superintendent and the Town Engineer, the posting of a maintenance bond for said road is hereby waived since the top course of pavement on each of the referenced roads has been in place for over one year.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	<u>X</u>	<u> </u>
Jonathan Schneider	<u>X</u>	<u> </u>
John Lupinacci	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

Prior to offering the resolution as originally drafted, Councilman Schneider offered a motion to table the resolution because all of the required documentation has not been submitted to the Town at this time. The motion was seconded by Councilwoman McDonough.

Councilman Barile indicated that he was against tabling the resolution. He stated that the adoption of this resolution will allow for school busses to go down the roads. He further stated that proceeding with its adoption will place no liability on the Town. However, it would put pressure on the developer to deliver the documentation. Councilman Barile expressed his concern that tabling the resolution would negatively impact the school superintendent and his bus routes which he stated have already been set.

Supervisor Schmitt said that he agreed with Councilman Barile. He added that Legal Counsel Gregory Folchetti has prepared the resolution and is comfortable with moving forward with the road dedications. There would be neither negative exposure nor liability to the Town.

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Supervisor Schmitt stated that there have been numerous complaints from residents with regard to the safety of the students who are required to wait for school bus pick up on Baldwin Place Road. Adoption of the resolution would allow the school busses to enter the Baldwin Estates Subdivision. Supervisor Schmitt further stated that the missing documentation relates to one property owner and that the matter can be resolved after the resolution is adopted.

Councilman Lupinacci commented on how the resolution appears somewhat conditional as it states, "upon receipt of all documentation required".

Legal Counsel Gregory Folchetti explained the Town's process in connection with road dedications. He concluded that if all of the documentation is not received, there are options available to the Town Board to remedy the issue which includes rescinding the resolution.

Councilman Schneider questioned if the Town's authorization is required by law in order for the school district to send a bus down the roads.

Legal Counsel Folchetti stated no. The school board is asking for the Town to take dedication of the roads so that it would be in accordance with their policy of having the busses traverse town, county and state roads.

Councilwoman McDonough acknowledged that the entire Town Board fully supports the busses entering into the subdivision for the safety of the students. However she stated the developer has known since April or May of 2017 that the documentation is required. She pointed out that the addition of "upon receipt of all documentation" was included in the resolution at her request. Councilwoman McDonough stated that she had no issue with regard to consenting to the dedication until she received an email which indicated that there is one homeowner holding out. She expressed her concern that there is no guarantee as to when or if the homeowner will sign off. Councilwoman McDonough suggested amending the resolution to contain a length of time that the documentation must be received by.

Discussion continued regarding the matter, at the conclusion of which Councilman Schneider withdrew his motion to table the resolution and Councilwoman McDonough withdrew her second.

Councilman Schneider then offered the resolution as amended to include that receipt of all remaining documentation required be received "within six months". Councilwoman McDonough seconded the motion with the aforementioned roll call vote resulting.

**BUILDING DEPARTMENT - PERMANENT APPOINTMENT OF FULL-TIME
PROPERTY COMPLIANCE OFFICER MADE - DENIS MAROUSEK**

RESOLVED, that the Town Board of the Town of Carmel ("Town") hereby appoints Denis Marousek, formerly employed by the Town on a part-time basis as Property Compliance Officer, as full-time permanent Property Compliance Officer, effective August 22, 2018. As full-time Property Compliance Officer, Mr. Marousek shall be placed at Group 7, Step 4 of the salary schedule at Appendix "E" of the Collective Bargaining Agreement between the Town of Carmel and the Civil Service Employees Association, Inc., Local 1000, AFSCME, Town of Carmel Unit, Putnam County, Local 840. As such, Mr. Marousek's annual salary shall be \$62,413.94, which amount will be subject to change by successor collective bargaining agreements.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Supervisor Schmitt

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<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u>X</u>	<u> </u>	
Jonathan Schneider	<u> </u>	<u> </u>	Abstain
John Lupinacci	<u>X</u>	<u> </u>	
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u>X</u>	<u> </u>	

Councilwoman McDonough offered a motion to adopt the resolution as originally drafted which included an effective date of August 24, 2018. The motion was seconded by Supervisor Schmitt.

Prior to the roll call vote, Councilman Barile requested that the motion be amended to reflect an effective date of August 22, 2018 because the Building Department thought that it would be effective today.

Councilwoman McDonough reoffered the motion as amended. It was seconded by Supervisor Schmitt. At the conclusion of the roll call vote, Councilman Barile expressed his support of a full-time Property Compliance Officer.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Councilman Lupinacci, with all members present and in agreement, the meeting was adjourned at 7:38 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk